

Remarks

The present amendment is responsive to the Office Action mailed in the above-referenced case on February 25, 2002, made Final. Claims 1-17 are standing for examination. Claims 1, 3-7, 9-15, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Guy et al. (US 5,940,479) hereinafter Guy. Claims 2, 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guy in view of Andrews et al. (US 5,848,143) hereinafter Andrews.

Applicant first wishes to direct the Examiner's attention to the Response to Arguments section in the instant Office Action, beginning on page 4, wherein the Examiner responds to applicant's previous argument provided in the last amendment, which was a Preliminary Amendment filed on October 24, 2001.

In the previous amendment applicant strongly argued that the call appliances and routers 103/105 and 143/145 of Guy do not communicate with each other, and the prior art fails to provide any teaching or suggestion of manipulating established call legs in order to perform telephony call functions. In response the Examiner, referring to figure 1 of Guy, contends that Guy discloses the above call appliances are connected to each other through connections to routers 114 and 132, via interface 123, and must therefore communicate because of the connection that appears to be shown in the figure. The Examiner states that call appliance 145/105 and ability to communicate with a destination phone 142 connected to the PSTN 140.

Applicant has carefully again studied the prior art, specifically the portions cited and applied by the Examiner supporting the Examiner's response to applicant's previous arguments regarding the call appliances of Guy. Col. 5, lines 60-65 of Guy specifically describes that the second local configuration 102B includes a network interface 123 that communicates through the LAN 134 to the

router 132, the second file server 122, and the remaining devices attached to the LAN 134. The portion further recites that the call appliance 143/145 is also coupled to LAN 134, but makes no mention or suggestion of call appliance 143/145 communicating through the various elements to the other call appliance 103/105, wherein one call appliance is the originator of the call and the other call appliance is the end destination phone, and termination point of the call, as in applicant's invention.

Col. 5, line 66 - col. 6, line 35 of Guy describes the invention as a system and method for generating and transmitting signals from a PC phone to another PSTN-connected telephone, namely phone 142. The portion describes that the file server 122 of Guy performs a setup operation to prepare a connection between the PC phone system 103/105 in a first local configuration, and a destination telephone which is PSTN-connected phone 142 in the second local configuration. The portion further describes, in more detail, methods and examples for transmitting packets from the PC phone system 103/105, over the various connections and networks to the destination PSTN-connected phone 142, but still clearly does not teach communication between two IP call appliances as claimed in applicant's invention.

Regarding applicant's previous argument that Guy also fails to provide any teaching or suggestion of manipulating established call legs, and the Examiner's response provided, the Examiner's position is that, as described in the portion of Guy (col. 4, lines 54-64), LANs use either an Ethernet or a token ring network protocol, and WAN network uses either frame relay, ATM, or Internet protocol, setting up of the communication channel between call appliance 103/105 and router 114, and between routers 114 and 132 are separate and distinct.

Applicant must respectfully traverse the Examiner's position however, and point out to the Examiner that upon careful re-examination of the prior art, there clearly is no mention or suggestion of establishing and maintaining call legs which may be manipulated independently of any other call legs without degrading the entire connection. The Examiner is assuming that because, as is notoriously

well-known in the art, LANs use either an Ethernet or a token ring network protocol, and a WAN network uses either frame relay, ATM, or Internet protocol, that the system and method of Guy discloses establishing and maintaining independently manipulated call legs.

Applicant strongly argues that the reference of Guy does not clearly teach, nor is there any motive or suggestion provided, of manipulation of established call legs provided by software setting up and maintaining separate and distinct end node legs between call appliances and routers, and separate and distinct intermediate legs between routers, and then joining and disjoining the legs to establish voice communication and to provide telephony functions between the separate IP call appliances.

Claim 1 is clearly patentable over the art of Guy as argued above. Independent claims 7, 13 and 17 include similar patentable limitations argued on behalf of claim 1 above. Dependent claims 2-6, 8-12, and 14-16 are patentable on their own merits, or at least as depended from a patentable claim.

As all of the claims left standing and as amended are clearly shown to be patentable over the art of Guy, and over Guy in combination with any of the cited art, applicant respectfully requests that the rejections be withdrawn and that the case be passed quickly to issue.

If any fees are due beyond fees paid with this amendment, authorization is made to deduct those fees from deposit account 50-0534. If any time extension is needed beyond any extension requested with this amendment, such extension is hereby requested.

Version With Markings to Show Changes Made

There are no changes made to the claims or the specification in the present amendment.

Respectfully Submitted,

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by



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